

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 1, 2010
	Section 4: Assessment and Review of DCS Staff Alleged Perpetrators	Version: 4

POLICY

[REVISED] The Indiana Department of Child Services (DCS) requires that any DCS employee being assessed as an alleged perpetrator of Child Abuse and/or Neglect (CA/N)¹ notify, within **one (1) business day** of learning of the assessment:

1. His or her DCS Local Office Director if the employee works in a local office; or
2. His or her work unit manager if the employee works in Central Office or Child Support Bureau.

Note: Failure to notify the appropriate person in a timely manner may result in disciplinary action up to and including termination.

[NEW] During the course of an assessment, if a Family Case Manager (FCM) learns that an alleged perpetrator is a DCS employee, the assessment FCM will notify the following and document that notification was given immediately but no later than **one (1) business day** for:

1. Field employees the following individuals must be notified:
 - a. Regional Manager;
 - b. DCS Local Office Director; and
 - c. Human Resource Director.
2. Central Office and Child Support Bureau employees the following individuals must be notified:
 - a. Division Deputy Director;
 - b. Work unit manager; and
 - c. Human Resource Director.

Assessments involving DCS employees as an alleged perpetrator must be conducted by a DCS local office other than the DCS local office in which the employee is employed.

[REVISED] DCS Regional Manager or Division Deputy Director will submit a request, within **twelve (12) hours**, of notification to restrict access to Indiana Child Welfare Information System (ICWIS) records pertaining to DCS employees. Any records pertaining to the alleged DCS employee perpetrator will be held confidential. See separate policy, [2.8 Accessing Records in ICWIS](#).

[REVISED] DCS will not allow the alleged employee perpetrator to have direct contact with the children and families (including resource families) that DCS serves, until the Administrative Review process has been completed. The alleged employee perpetrator will be notified by the employee's Regional Manager, the DCS Local Office Director, or Division Deputy Director within **one (1) business day**, if the decision is to place the alleged employee perpetrator on desk duty. The alleged employee perpetrator may be reassigned or may be placed on emergency suspension during the assessment and review process.

¹ Herein referred to as the 'alleged employee perpetrator'.

[REVISED] DCS will have **fifteen (15) calendar days** from approval of the [Assessment of Child Abuse and Neglect \(SF 113/CW0311\)](#) to provide the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#) and a copy of the redacted [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#), if substantiated, to the alleged employee perpetrator via certified mail.

[REVISED] DCS will require that an Administrative Review be conducted for all substantiated assessments that identify a DCS employee as an alleged perpetrator. This Administrative Review must be completed within **fifteen (15) business days** from approval of the substantiation. The Administrative Review Team or designee will notify the alleged employee perpetrator in writing of the Administrative Review decision. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#) will be mailed or hand delivered to the DCS employee the same day as the decision.

[REVISED] DCS will require that an Administrative Review of a DCS staff case be conducted by:

1. A Regional Manager;
2. A Deputy Director or Designee²; and
3. The DCS Human Resource Director or Designee.

[NEW] Note: The Administrative Review Team members conducting the review should not be in the alleged employee perpetrator's chain of command.

DCS recognizes that the alleged DCS employee perpetrator has the right to an Administrative Appeal of the Administrative Review Team decision if the substantiation is upheld. See separate policy, [2.5 Administrative Appeal Hearings](#).

DCS reserves the right to take disciplinary action up to and including termination upon completion of the Administrative Review, if the substantiation is affirmed, regardless of whether the allegations involve actions taken in the scope of DCS employment. See separate DCS Administrative Policy, [HR-2-4 Disciplinary Action](#).

Code References

N/A

PROCEDURE

The alleged employee perpetrator will notify his or her DCS Local Office Director or work unit manager within **one (1) business day** of learning of the assessment.

[REVISED] The assessment FCM will:

1. Notify the alleged employee perpetrator's Regional Manager and DCS Local Office Director by email, within **one (1) business day** of learning of the assessment if the alleged employee perpetrator works in a DCS local office, and document that notification was given;
2. Notify the alleged employee perpetrator's Division Deputy Director and work unit manager by email immediately but no later than **one (1) business day** of learning of the assessment if the alleged employee perpetrator works in Central Office or Child Support Bureau, and document that notification was given;

² The designee must be at least one supervisory level above the alleged employee perpetrator.

3. Notify the DCS Human Resources Director, by email, within **one (1) business day** of learning of the assessment;
4. Assure timely completion of the assessment. Refer to separate policy, [4.25 Completing the Assessment Report](#);
5. Send the [Assessment of Child Abuse and Neglect \(SF113/CW0311\)](#) to the Supervisor for approval; and
6. Notify the DCS Human Resource Director, by email, the results of the assessment if additional time or information is needed.

[REVISED] The FCM Supervisor will:

1. Review the [Assessment of Alleged Child Abuse and Neglect \(SF113/CW0311\)](#) for accuracy and completeness and approve the FCM recommendations, if appropriate. Refer to separate policy, [2.1 Requests for Administrative Review](#) for procedures to follow specific to the approval and redaction process;
2. Notify the DCS Regional Manager and Local Office Director (for Field Operation) or Division Deputy Director and work unit manager (for Central Office or Child Support Bureau) the results of the assessment.
3. Notify the DCS Human Resource Director the results of the assessment.
4. Upon request from the DCS Local Office Director or other person authorized to conduct an Administrative Review :
 - a. Unapprove [the Assessment of Child Abuse or Neglect \(SF113/CW0311\)](#) if the file is returned to CPS for further assessment and reconsideration of the report. See separate policy, [2.2 Administrative Review Process](#) for procedures to follow specific to the reconsideration process, if applicable; or
 - b. Unsubstantiate the allegations.

[REVISED] The DCS Regional Manager or Division Deputy Director of the alleged employee perpetrator will:

1. Ensure that the alleged employee perpetrator's assessment is restricted in ICWIS;
2. Coordinate with appropriate staff to place the employee on desk duty or reassign the employee;
3. Contact the DCS Human Resource Director, in the event that emergency suspension is considered; and
4. Notify the alleged employee perpetrator of the outcome of the assessment and pending Administrative Review, if substantiated. Attach a copy of the redacted [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#).
5. Notify the DCS Local Office Director and Supervisor (for Field Operation) or work unit manager (for Central Office or Child Support Bureau) of the Administrative Review Team's decision.

[REVISED] The Administrative Review Team will:

1. Review the complete CPS assessment file;
2. Decide to do one of the following:
 - a. Uphold the substantiated determination,
 - b. Overturn the determination and reclassify it as unsubstantiated, or
 - c. Return the file to CPS for further assessment of the report.
 - d. Notify the alleged employee perpetrator of the Administrative Review Team's decision:
 - 1) If the substantiation is upheld, notify the alleged employee perpetrator of the decision using the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#) form. If the allegations were substantiated, also send the [Request an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation](#)

- [\(CAPTA081003ADR\)](#) form; or
- 2) If the allegations are unsubstantiated, notify the alleged employee perpetrator the decision using the [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#) form.

[REVISED] The DCS Field Operations Executive Manager or designee will:

1. Ensure that the assessment is assigned to a DCS local office other than the DCS local office in which the employee is employed;
2. Coordinate the Administrative Review process by convening the Administrative Review Team members; and
3. Notify the employee perpetrator's DCS Regional Manager or Division Deputy Director of the Administrative Review Team's findings and whether any additional actions should be taken.

PRACTICE GUIDANCE

N/A

FORMS AND TOOLS

1. [Assessment of Alleged Child Abuse or Neglect \(SF113/CW0311\)](#) – available in ICWIS
2. [Notice of Child Abuse and/or Neglect Assessment Outcome and Administrative Review for DCS Employee \(State Form 54318\)](#)
3. [Notice of Administrative Review Decision and Right to Administrative Appeal \(State Form 54319\)](#)
4. [Request an Administrative Appeal Hearing for Child Abuse or Neglect Substantiation \(CAPTA081003ADR\)](#)

RELATED INFORMATION

[NEW] Hand Delivery

Hand delivery requires successful face-to-face contact with the alleged perpetrator and a documented contact in ICWIS.

Consulting with Human Resources

Staff assessments are very delicate situations. The Central Office Human Resource Office is always available to assist management staff with any decisions that must be made surrounding reassigning an employee or when to consider emergency suspension. Please contact the HR Director if you have any questions.

Restricting Reports and Assessments

Maintaining confidentiality of employee assessments is of utmost importance. There is a checkbox on the decision window in ICWIS in the Intake module that allows for the report to be restricted. If the report is restricted, the assessment will automatically be restricted upon its creation. The system will only allow the assigned worker, the assigned worker's supervisor, and a director for that county, and the ICWIS Program Manager access to the report or assessment.

[NEW] Desk Duty for Alleged Employee Perpetrators

In the event an alleged employee perpetrator is assigned to desk duty, employees will not be allowed to have direct contact with the children and families DCS serves. Depending on the position, employees may not see a change in their job duties.

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